

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

John Petrosky,

FILED ELECTRONICALLY

Plaintiff

v.

Zenith Acquisition Corporation,

Defendant

COMPLAINT

I. Introduction

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("the Act") which prohibits debt collectors from engaging in abusive, unfair, and deceptive practices.

II. Jurisdiction and Venue

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this district is proper in that Defendant transacts business here and the conduct complained of is alleged to have occurred here.

III. Parties

4. Plaintiff, John Petrosky, is a natural person residing at 51 Petrosky

Lane, Weatherly, PA 18255.

5. Defendant, Zenith Acquisition Corporation, ("the Collector") is a corporation engaged in the business of collecting debts in this state with a place of business located at 170 Northpointe Parkway, Suite 300, Amherst, NY 14228 and is a "debt collector" as defined by the Act, 15 U.S.C. § 1692a(6).

IV. Statement of Claim

6. Within the last year, the Collector began attempting to collect an alleged account ("the Account") from Plaintiff.

7. The Account is a "debt" as that term is defined by the Act, 15 U.S.C. § 1692a(5).

8. The collector regularly uses the telephone to attempt to collect consumer debts alleged to be due another.

9. Within the last year, the Collector caused at least two telephone calls to be placed to phone number (570) 427-4362.

10. The aforementioned phone number was assigned to the address identified in paragraph 4 at all times relevant to this matter.

11. During both of the calls, the Collector left a message for Plaintiff.

12. 15 U.S.C. § 1692e(11) requires a debt collector to disclose that the communication is from a debt collector in each communication with a

**Verification of Complaint and Certification
by Plaintiff John Petrosky**

Plaintiff, John Petrosky, being duly sworn according to law, deposes as follows:

1. I am a plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass the Defendant, cause unnecessary delay to the Defendant, or create a needless increase in the cost of litigation to the Defendant, named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

I declare under penalty of perjury that the foregoing is true and correct.
28 U.S.C. § 1746(2).

consumer.

13. In both messages, the Collector failed to disclose that the call was from a debt collector.

14. 15 U.S.C. § 1692d(6) requires a debt collector to provide a meaningful disclosure of identity in each communication with a consumer.

15. In both messages, the Collector failed to provide this meaningful disclosure because it did not state the name of the Collector, or the purpose of the call.

16. The calls and messages were attempts to collect the Account.

17. Defendant violated the Act, 15 U.S.C. § 1692, subsections d(6) and e(11).

WHEREFORE, Plaintiff demands judgment against Defendant for damages, costs, attorney's fees, and such other and further relief as the Court deems just and proper.

V. Demand for Jury Trial

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully Submitted,

s/ Kristin Sabatini

Executed on 4-11- 2012.


John Petrosky
Plaintiff

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